Juan C. Chavez, OSB #136428 Franz H. Bruggemeier, OSB #163533 Oregon Justice Resource Center PO Box 5248 Portland, OR 97208 Telephone: 503-944-2270

Facsimile: 971-275-1839

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON EUGENE DIVISION

MARK WILSON	Case No. 6:21-cv-01606-SI
Plaintiffs, v. JERRY PLANTE, and JOHN DOES 1-10.	DECLARATION OF JULIA YOSHIMOTO
Defendants.	

I, Julia Yoshimoto, hereby declare and state as follows:

- I am 18 years of age or older and am otherwise competent to make this declaration. I
 make this declaration on personal knowledge of the matters stated in this declaration or
 from sources deemed reliable.
- 2. I am a licensed and active attorney in Oregon (OSB No. 131447).
- 3. On October 1, 2021, I received a letter from Mark J. Wilson, the above-named plaintiff, dated September 27, 2021, in which he stated that he had "[e]nclosed * * * a copy of the administrative review request that [he] sent to the Inspector General today." Attached as

- **Exhibit 4** is a true and correct copy of the letter I received from Mark J. Wilson, which includes the copy of his administrative review request which he included in that letter.
- 4. On September 29, 2021, attorney Juan Chavez and I submitted an email and attached letter to ODOC officials Rob Persson, Assistant Director of Operations, and Craig Prins, Inspector General, with a request that the final disciplinary order issued against Mark J. Wilson on August 31, 2021, signed by functional unit manager on September 15, 2021, be vacated in the interest of justice, pursuant to OAR 291-105-0100.
- 5. On October 1, 2021, I sent an email to ODOC officials Rob Persson and Craig Prins requesting affirmation of receipt of email and letter sent by me on September 29, 2021, regarding the request to vacate the final disciplinary order issued against Mark J. Wilson. I concluded the email by stating "If you do not respond by 5:00 pm today (10/01/21), we will consider your non-response a denial of our request."
- 6. On October 4, 2021, ODOC Inspector General Craig Prins informed attorney Juan Chavez and me by email that he had received our September 29, 2021 request to vacate the final disciplinary order.
- 7. On October 28, 2021, ODOC Inspector General Craig Prins denied attorney Juan Chavez's and my September 29, 2021 request to vacate the final disciplinary order in Mark J. Wilson's case. Attached as **Exhibit 5** is a true and correct copy of ODOC Inspector General Craig Prins denial of our request to vacate the final disciplinary order.
- 8. Neither attorney Juan Chavez nor I received notice from ODOC Inspector General Craig

 Prins of his denial of our September 29, 2021 request to vacate the final disciplinary

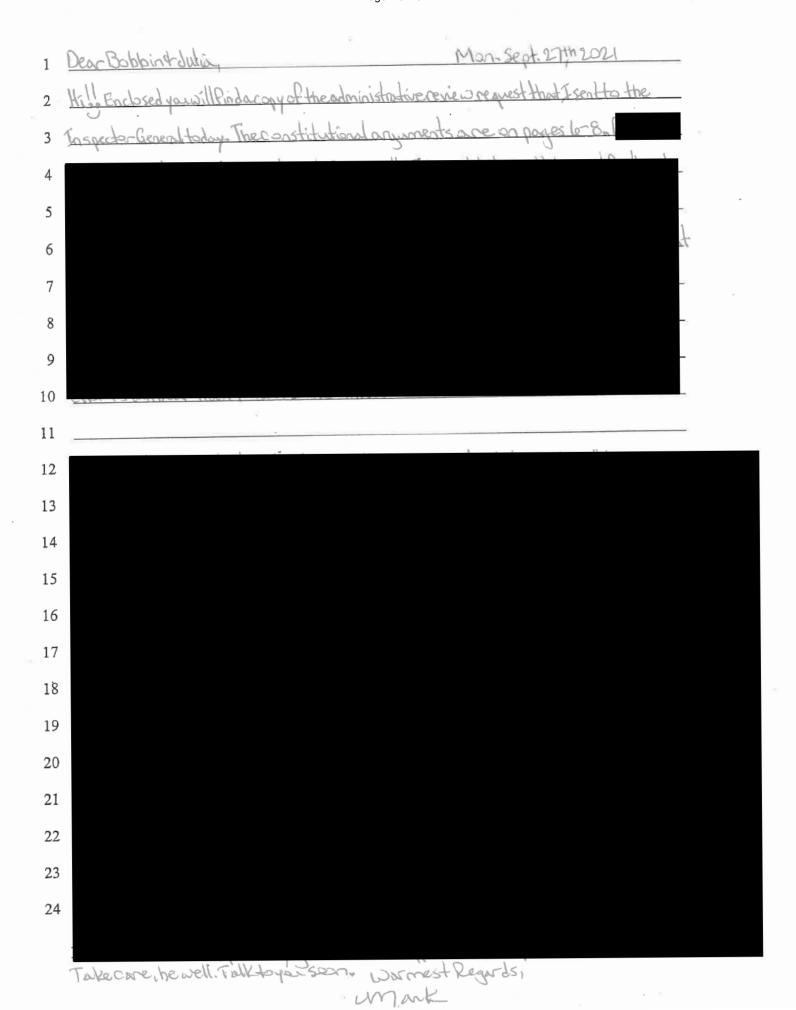
 order.

9. Mark J. Wilson informed me that he had received ODOC Inspector General Craig Prins's letter denying the request to vacate his final disciplinary order by mail on November 17, 2021.

I declare under penalty of perjury and under the laws of the United States, pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct to the best of my knowledge, memory, and belief.

EXECUTED on this 2nd December.

/s/ Julia Yoshimoto
Julia Yoshimoto
Declarant



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Case 6:21-cv-01606-SI Document 4Filed 12/03/21 Page 6 of 15 Page 3 of 10 Oregon Department of Corrections

Oregon Department of Corrections Petition for Administrative Review

Inmate Name: Mark James Wikon Mark James L. SID#: 7449142 Printed Name/Signature		
Institution: OSCI Date: 9/27/21		
1) REVIEW CRITERIA: In order to file an administrative review, you must have been found in violation of a Level I or II rule(s) on the Sanctioning Grid; or your sanction recommends an extension of your parole release date or retraction of earned time, good time or extra good time credits; or a segregation sanction deviation was ordered.		
2) TIMEFRAMES: You must file your request with the Inspector General within 60 calendar days after the Final Order has been signed by the Functional Unit Manager/designee or after the preliminary order becomes a final order under OAR 291-105-0031(3).		
3) MANDATORY REQUIREMENTS: (Please complete the following areas)		
Date of Hearing: 8 10 21; 48 31 21		
Hearing Case Number: 203 OSCT 0056 OSCT 35		
Rule Violation Sanction		
Rule Violation Sanction 0 - Merged		
Rule Violation Sanction		
You must provide sufficient evidence to show:		
1) There was not substantial compliance with the rule because:		
A-DAR 291-105-0021/2Xa)requires filing of a misconduct report "no later than 24 hours		
after sufficient exidence or information is gothered, discovered, or observed to support a		
rule volation: Plantedid not comply with this prousion. He interviewed me on 3/23/21 and		
internewed OSCI Library Con-lineater P. Mckinney on 414/21 but he did not issue the misconduct report until 8/4/21, 112 days after internating Mckinney, inviolation of CAR241-105-0021(2Ka).		
(Continued on p. 3)		

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18291 105 002813/mondates; "Rule vidations) shall be found upon proof by a
and the contract of the contra
exandernice of the evidence. The violations found by the thornings Office-were not tound
emproof by a prepander once of the evidence asset forth beta .:
and the state of t
improvising an Employee. CAR 291-105-045(4) Hippoides that To In AIC econounts Compromising
Employee when that All knowingly engages an employee in a personal relationship or
www.stonsactionen Plantemadeaconchisory allegation that I engaged B. Mckney in a
sand relationship. He did not allege that I engaged Mckinney in a bysiness transaction.
ereis no cudence in the road that I "knowing bengage at [RMcking] in apersonal
extinctions There is no endence in the record of how I supposedly "knowingly engaged
(Continued on p.4)
redisciplinary proceedings and violations against me violate the First Fairth, Sixth
erein:
(Continued on p. 6)
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Documentation submitted to the Inspector General will not be returned you. (OAR 291-105-0081)

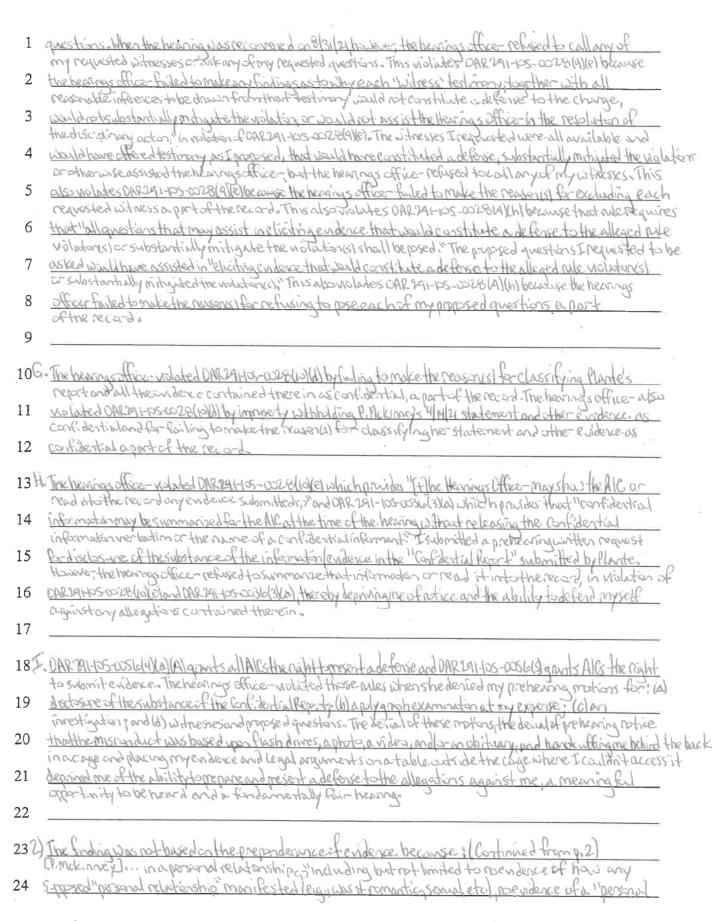
Send your Petition for Administrative Review to:

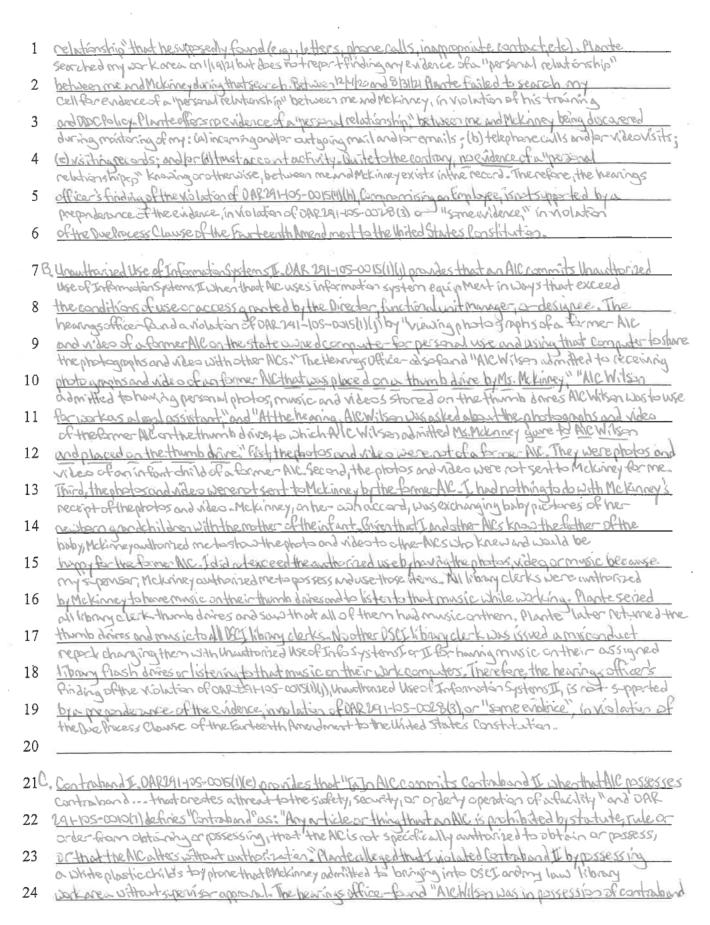
Department of Corrections Inspector General 2575 Center Street NE Salem, Oregon 979310

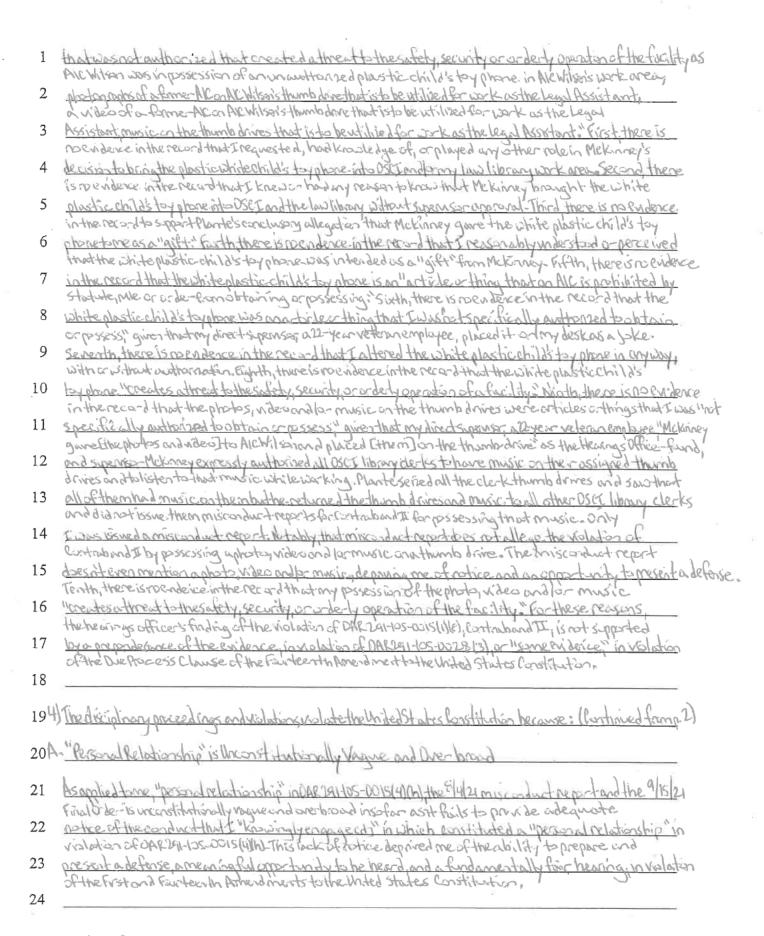
Case 6:21-cv-01606-SI Document 19 Filed 12/03/21 Page 8 of 15
Page 5 of 10

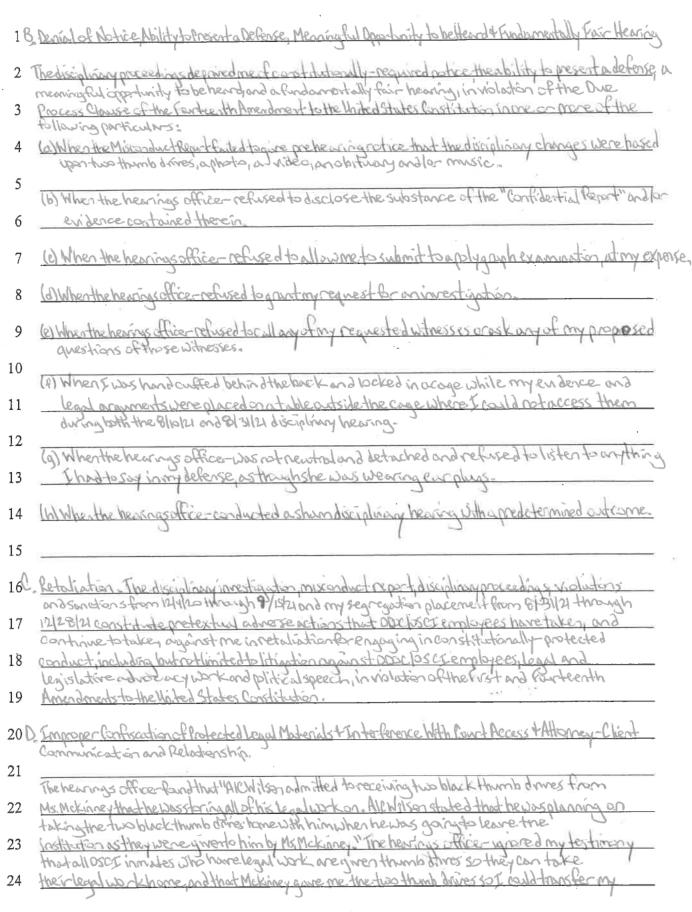
There was not substantial compliance with the rule because: (Continued frompol)

18	DAR 29 + 105-0021(2)(d)(A) requires that "Tibe misconduct report contains ufficient and complete facts to
2	support the alleged rule nobotions!" and "It] them is conduct report must contain sufficient information to allow the AL to prepare a defense; "Plante did not comply with this provision. DAR 291-105-0015(44/b) provides that
	"Can Alccommits Compromising on Employee when that MCKnowingly engages an employeein a personal relationship
3	or business transaction. I Plante's BIYIN muse and ust report makes only a conclusory allegation that I enauged to
4	Metinner in a personal relation ship, the affered no facts as to how I "knowing ly engager of Mickinney] in a personal relationship. He does not include facts about how any suppred "personal relationship" manifested, what evidence
7	afairparanal reliationship" he found to exist another haw my conduct whis "knowing," The misconduct report makes no
5	refere is to flash drives a whote a video or an objitury. The misconduct report contains not acts to
6	Supportainable of Unauthorized Use of Into Systems II. The misconduct report continuor no facts as to haw the plastic to phone meets the definition of "Contraband" in OARIAL OS-COLORI or how the top have "creates a
6	threat to the safety, security or orderly operation of in facility. "Plante's BIYIZI misconduct report fails to "contain
7	sufficient information to allow [me] toprepare a defense" in violation of DAR 191705-0021/2/(dVA).
80	OAR 291-105-0021 (28th) requires "[+] hereviewing superiso-[+] ensure the [miseralise] report is accurate, appropriate or
0	supported by sufficient informations, and to "hete. The report back to the author to additional investigation or to less
9	Completions if His not. M. Notzinger signed Plante's 814121 misconduct report as the reviewing syrinson on 814121.
10	Noteining-did not comply with this provision. Plante's misconduct report is not "accurate, appropriate to I supported by sufficient information" as referenced in sections 1A48, along and incorporated berein by this referee. However,
10	Noteinger did notrefe the report buck to Plante for additional investigation or for less formal action.
11	
120	OAR 291-105-002-8/4) requires that "Tilhe Hearings Diffice-shall consider such circles as would be considered by a reasonable
	person in the conduct of their serious efficiers. The rule requires consideration of only reliable evidence. The
13	Herrings Other did not comply with this rule. The flering s Other considered unreliable enderce in trading that Is
14	"Krowney engaged oner place in a personal relationship or business transaction" in violation of OAR 241-105-0015(1)(1); and that I "pusiesse or
	Controland that creates a threat to the sufety security, a orderly operation of whacity "in violation of
15	DAR-29HOS-DISINEL
165	- DAR 29+ 105-028(3) requires: "An investigation shall be conducted upon the All's requested the information Sought, when viewed in a light most fourable to the All and with all reasonable informaces drawn information for bould
17	another a defense to the charge of repetantially in tracte the violation and a request to investigation is denied
	thereasons to derial shall be inside a nort of the erant. The hearings affect tailed to comply with this provision.
18	Efted a prehearing request for investigation and an BND/21 the hearings office-said that after reading myrequest, she had questions as well and continued the hearing. However, when the hearing was reconversed on \$131121, no investigation
19	his liber embeded The enterces uphother as investigation was available and when viewed in the light most
	Bromble tome, with all reasonable inferences to be drown threfron, would have constituted a defence to
20	the Communicating byce Unauthorized Use of En & Systems II and Contraband II changes or substantially mit gated those alleged in Dations. Assuch the hearings officer was required to conduct the requested investigation. The
21	violated this rule by refusing to conduct the investigation and in faulting to make the reasons forder in lat the
	investigation partial therecords
22	
23 F	DARIALIS-002849Kerthl-Imaka withon request that 13Als yourset employees and 3 other persons becalled as
24	whresses and asked specific questions that I listed as required by OAR 291-105-0028 (9)(b). The 8/10/21 hearing was proposed to determine if any of my requested witnesses would be called and asked any of the requested
24	MADELLINE REPORTED THE WAS LINE AND THE WAS TH









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1	personal legal work from the assigned legal assistant thumb drives so I could take my legal materials and of the facility while leaving everything else an the legal assistant
2	regul moderals and at the tracility with leverating everything else an the legal assistant assigned thumbdoines. The heavings office found that the two black thumbdoines that
	were giventome by my sperise, blowing continuous. Mikinney, were contraband and
3	ordered them to be confiscated. By dairy so the hearings office also improperly
4	traced treconfiscation of all of my personal legal motorials, including material in three active coses. This improper confiscation of my constitutionally-protected legal
_	materials subjects me to irreproduce harmond constitutes interference with court
5	occess and ottomer-dientemmentation and relationship and retalistion, in violation
6	of the first, fourth, sith and fourteenth Amendments to the United States Constitution
7	Conclusion-
8	Bosed wenthe fore as in a reunerts and outborties I hereby respectfully request
9	Bosed upon the foregoing arguments and authorities. I here by respectfully request that the challenged disciplinary arder be immediately vacaded and that I be restored to all housing employment, incentive level and other statuses, any leaves and
10	to all housing employment incentive level and other statuses, privileges and positions I hald prior to the initiation of these disciplinary proceedings adjainst one.
11	DATED this 27th day of September, 2021.
	and a column to the
12	
13	Respectfully submitted,
14	mark Janer DQ
15	Mark James Wilson
16	SID# 7449142-OSCI DSU40B
17	3405 Deer Park One SE
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Bolobin, Julia, Juan & Connad, Nov. 23, 2021

Hi. Thanks for everything! I hope you all have agreat Thanksquing!

Enclosed you will find Craig Prins' October 28, 2021 denial of Whise letter.

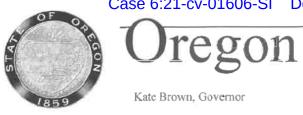
It did not reach me until November 17, 2021 in an envelope that does not appear to have gone through the mail—see enclosed.

Have a great week. Talk to you again soon.

Darnest Regards,

Mrk Witson SID# 7449142 3405 Deer Park Dr. SE

Solem, DR 97310



Oregon Department of Corrections Office of the Inspector General

2575 Center Street NE Salem, OR 97301-4667 Voice: 503-945-0988

Fax: 503-373-7092



October 28, 2021

Mark Wilson SID# 7449142 Oregon State Correctional Institution 3405 Deer Park Dr SE Salem, OR 97310-9385

Dear Mark Wilson,

This will acknowledge receipt of a written request to vacate case number 2103 OSCI 0056 OSCI 35 in the interest of justice. This request was submitted by Julia Yoshimoto and Juan Chavez of the Oregon Justice Resource Center on your behalf. Our office received this request on September 29, 2021.

The above mentioned case, as well as your overall misconduct and institution history, have been thoroughly reviewed. Your case was handled in accordance with the provisions outlined in the Department of Corrections rules governing Prohibited Conduct and Processing Disciplinary Actions (OAR 291-105). Our findings show there was substantial compliance with the rule, the findings were based on a preponderance of the evidence, and the sanctions recommended were appropriate given the circumstances of this case and your history.

At this time I find no compelling reason to vacate, modify, or re-open this case.

Sincerely,

Craig Prins

Inspector General

Craig Prins

/mds

cc: Rob Persson, Assistant Director

File